

United States Court of Appeals
for the
District of Columbia Circuit



**TRANSCRIPT OF
RECORD**

TRANSCRIPT OF RECORD.

Court of Appeals, District of Columbia

OCTOBER TERM, 1900.

No. 996.

21

GUY E. PADGETT, APPELLANT,

vs.

THE DISTRICT OF COLUMBIA.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FILED MAY 29, 1900.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

OCTOBER TERM, 1900.

No. 996.

GUY E. PADGETT, APPELLANT,

v.s.

THE DISTRICT OF COLUMBIA.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

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In the Court of Appeals of the District of Columbia.

GUY E. PADGETT, Appellant,
vs.
THE DISTRICT OF COLUMBIA. } No. 996.

a Supreme Court of the District of Columbia.

GUY E. PADGETT
vs.
THE DISTRICT OF COLUMBIA. } No. 43260. At Law.

UNITED STATES OF AMERICA, }
District of Columbia, } ss:

Be it remembered that in the supreme court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit:

1 *Petition for Writ of Certiorari.*

Filed January 20, 1900.

In the Supreme Court of the District of Columbia.

GUY E. PADGETT
vs.
THE DISTRICT OF COLUMBIA. } At Law. No. 43620.

To the honorable justice of said court, holding a circuit court:

Your petitioner respectfully represents:

First. That he is a citizen of the United States, a resident of said District, and is seized in fee of the following-described tract of land, situate in the county of Washington, District of Columbia, to wit: So much of the following-described tract of land, situate in said county, as lies wholly within said District, being known as "Conjurors Defeated," beginning at the end of 4th line of the whole tract, known as part of "Pervention," "Pervention Enlarged," and "Conjurors Defeated," which Thomas G. Addison conveyed to Philip Evans, in Liber O, folio 400, thence by magnetic bearings south $22\frac{1}{2}$ degrees east 44.44 perches to a large locust tree; thence south $16\frac{1}{4}$ degrees east 38 perches; thence south $68\frac{1}{2}$ degrees west 34 perches; thence south 32 degrees east 48 perches to intersect the 13th line of the whole tract at end of 12 perches from the end of it; thence with said line reversed north 73 degrees east 71.60 perches to a gum tree, a

2 boundary of the whole tract; thence north 85 degrees east 40 perches; thence north $19\frac{1}{2}$ degrees west 226 perches to 5th line of the whole tract; thence with said line reversed south 27 degrees west 116 perches to the beginning, containing one hundred acres, more or less.

Second. That upon application to said District for a certificate of taxes as to what taxes, if any, had been and were assessed against said property and are now unpaid, there was furnished to this petitioner, through his agent, the accompanying certificate of taxes, which is hereby prayed to be taken as part thereof, by which it is claimed by said respondent that there are placed and borne upon the tax records in the custody, charge, and control of the said District against said described tract of land and claimed to be a lien thereon certain alleged unpaid taxes and charges in the respective sums of \$33.48, \$33.48, \$33.48, \$33.48, \$51.13, \$42.30, \$42.30, \$39.30, and \$39.30, which said amounts purport to be for taxes assessed and levied against said tract of land for the years ending June 30, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1898, and 1899 respectively, together with penalties, costs, and interest at the rate of ten per centum per annum to date; all of which said alleged assessments, taxes, and charges are informal, illegal, irregular, and void as constituting any valid claim against or lien upon the said property hereinbefore described, notwithstanding which it is claimed by the said District that the said alleged taxes and liens for the years aforesaid are, and its records show the same to be, assessed, levied, and an alleged lien upon the said property of your petitioner in pursuance of and by virtue of certain acts of Congress providing for the assessment and collection of taxes in and for said District; and your petitioner further alleges that in pursuance of said alleged assessments and taxation the respondent attempted to sell said property for each of the years hereinbefore mentioned when the said respondent bought in the property described in said assessment-rolls, which the respondent claims is the property of your petitioner hereinbefore described; which said sales this petitioner alleges are void and irregular for the reasons hereinafter assigned and set forth, but nevertheless the said respondent carries on its tax records said illegal assessments and sales, claiming that the same constitute a lien on the said property of this petitioner.

Third. This petitioner avers that the following illegalities, irregularities, and informalities appear upon the assessment-rolls of the assessments returned to the Commissioners of said District by the board of assessors thereof, which said assessments so returned constitute the basis of taxation of real estate in said District for the respective years hereinbefore named, and that said illegalities, irregularities, and informalities appear upon the tax records of said District subsequent to and consequent upon said assessments, and that the same, in law, make the said assessments, taxes, and charges illegal and void as against the said property of this petitioner, viz:

a. That said purported assessments, taxes, and charges are void and illegal because, as appears by the records of the respondent, they were not made in accordance with law.

b. That said purported assessments, taxes, and charges are illegal and void because said assessments do not sufficiently describe
4 any property upon which the said taxes should be charged, and, inasmuch as said assessment returns forming the basis of taxation, as well as the other tax records, show that the assessments and liens are made upon "88.25 acres, Hamilton road," without any other or further description of the property attempted to be assessed, your petitioner avers that said assessment returns or tax records do not contain a description of the said property of your petitioner or of any property in said District subject to taxation sufficient to identify the same.

c. That said assessments and taxes are illegal and void because the returns of the board of assessors which form the basis of taxation for the respective years hereinbefore named, in the column on said assessment returns headed "assessed value per acre," contain merely numerals or figures, with nothing thereon to indicate what the figures or numerals are intended to represent, and no dollar, cent, or other mark to show whether the said figures or numerals represent eagles, dollars, cents, or mills.

Fourth. That said attempted assessments, taxation, and sales cloud the title of your petitioner and render the same subject to sale by the respondent, and said respondent threatens so to do unless relief be granted to your petitioner by this court.

The premises considered, the petitioner prays:

1. That the United States writ of certiorari may issue, in due conformity to law, directed to and commanding the respondent to certify immediately to this court true and exact copies of the
5 assessment-rolls or returns of the board of assessors, which form the basis of taxation, showing the alleged assessments and equalizations against the property of your petitioner upon which are based the alleged taxes and charges for the respective years ending June 30, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1898, and 1899, and that said copies of said assessment returns be made without any change or addition thereto or amendment thereof.

2. That upon the coming in of said return the said assessments, taxes, and charges may be held by the court to be void and of no effect and thereupon quashed and annulled by the judgment thereof and the respondent directed to cancel the same upon the records in its custody.

GUY E. PADGETT.

PADGETT & FORREST,
Attorneys for Petitioner.

DISTRICT OF COLUMBIA, ss:

Guy E. Padgett, being first duly sworn, says that he has read the above petition by him subscribed and knows the contents thereof, and that the facts therein stated of his own knowledge are true, and that the facts therein stated upon information and belief he believes to be true.

GUY E. PADGETT.

Subscribed and sworn to before me this 20th day of January, 1900.

J. R. YOUNG, *Clerk,*
By W. E. WILLIAMS, *Ass't Clerk.*

6

C. 6616.

OFFICE OF THE ASSESSOR, DISTRICT OF COLUMBIA,
45841. WASHINGTON, D. C., Jan. 5th, 1900.

Mr. James E. Padgett, Stewart building:

On the following real estate, to wit, 88.25 acres, Hamilton road; plat 26, county, vol. 4, 134; on Hamilton road; no other front; — square feet; valued at \$3,530; value imp'ts, \$400; assessed in 1900 in the name of E. Forrest. There now appears by the books and records of taxes and assessments to be due and unpaid the following assessments of taxes, as hereon certified to by the officers in charge of the respective accounts.

(Stamp.)

OFFICE OF THE SPECIAL ASSESSMENT DIVISION,
DISTRICT OF COLUMBIA.

Assessor, D. C.:

I hereby certify that upon the property above described in this certificate the records of this office show the following unpaid assessments for special improvements:

Alley assessment.....	No unpaid special
Corporation assessments.....	assessment to
Costs.....	date.

J. W. DANIEL,
Special Assessment Clerk D. C.

No. 113,080. ENGINEER DEPARTMENT, WATER OFFICE,
DISTRICT OF COLUMBIA.

Assessor, D. C.:

I hereby certify that upon the property described in this certificate the records of this office show no assessment to date,
7 with penalty and interest as provided by law.

By order of the Engineer Commissioner:

J. WILL CROSS,
Clerk in Charge of Water Taxes.

Jan. 8, rec'd.

Water rent excepted.

General taxes due as follows:

1890.....	\$33.48.	G. H. Baldwin, F	11
1891.....	33.48.	Do.	F 17
1892	33.48.	Do.	F 18
1893	33.48.	Do.	F 25
1894	51.13.		
1895	42.30.		

1896	42.30.	J. G. Slater,	F 296
1898	39.30.	C. Marshall,	F 126
1899	39.30.		F 78
For year ending June 30th, 1900.....	39.30.		F 65

with penalty and interest thereon as provided by law.

OFFICE OF THE
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
WASHINGTON, August 17, 1894.

Ordered that the order of July 24, 1894, relative to certified statements of taxes and assessments under act of May 13, 1892, is hereby modified so as not to require the assessor to include reference in said certificates to any sales prior to the year 1878, sales where deed has been executed and delivered by the Commissioners in completion of said sale, and any sales whose omission is requested by the applicant. In case of such omission by request the certificate shall state on its face "tax sales omitted by request of applicant;" also that a copy of this order be printed on said certificates.

By order:

W. TINDALL, *Secretary.*

"W. G."

Witness my hand and seal of office the 8th day of Jan., 1900.

H. H. DARNEILLE
Assessor, District of Columbia,
By S. T. KALBFUS,
Acting Assessor.

Fee, 50 cents, paid.

9

Writ of Certiorari.

Filed — —, —.

In the Supreme Court of the District of Columbia:

GUY E. PADGETT }
vs. } At Law. No. 43620.
DISTRICT OF COLUMBIA. }

The President of the United States to the District of Columbia:

You, the District of Columbia, are hereby commanded to certify immediately to this court a true and accurate copy of the assessment-rolls or returns of the board of assessors which form the basis of taxation, showing the alleged assessments and equalizations against the tract of land situated in the county of Washington, in said District, and described as so much of the following-described tract of land, situate in said county, as lies wholly within said District, being known as "Conjurors Defeated," beginning at the end of the 4th line of the whole tract, known as part of "Pervention," "Pervention Enlarged," and "Conjurors Defeated," which Thomas G. Addison conveyed to Philip Evans, in Liber O, folio 400, thence by magnetic

bearings south $22\frac{1}{2}$ degrees east 44.44 perches to a large locust tree; thence south $16\frac{1}{4}$ degrees east 38 perches; thence south $68\frac{1}{2}$ degrees west 34 perches; thence south 32 degrees east 48 perches to intersect the 13th line of the whole tract at the end of 12 perches from the end of it; thence with said line reversed north 73 degrees east 71.60 perches to a gum tree, a boundary of the whole 10 tract; thence north 85 degrees east 40 perches; thence north $19\frac{1}{2}$ degrees west 226 perches to 5th line of the whole tract; thence with said line reversed south 27 degrees west 116 perches to the beginning, under and by virtue of which said alleged assessments taxes were purported to be levied upon said property for years ending June 30, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1898, and 1899, which said copies of said assessment and equalization returns shall be without any change or addition thereto or amendment thereof and as the same existed, to wit, January 1, 1900.

Witness the Hon. E. F. Bingham, chief justice of said court, this 20th day of January, 1900.

[SEAL.]

J. R. YOUNG, *Clerk,*
By W. E. WILLIAMS,
Assistant Clerk.

Endorsed.

Let the writ issued as prayed.

CHAS. C. COLE,
Asso. Justice.

Jan. 25, '99.

Marshal's Return.

Served the within writ on the District of Columbia by delivering a copy thereof to John B. Wight, president of the Commissioners of said District.

Jan. 20, 1900.

AULICK PALMER, *Marshal.*

Motion to Quash, &c.

Filed February 24, 1900.

In the Supreme Court of the District of Columbia.

GUY E. PADGETT }
 vs. } No. 43620. Law.
THE DISTRICT OF COLUMBIA. }

Now comes the defendant, by its attorneys, and moves this court to quash and to set aside the writ of certiorari herein for the following reasons:

1. Because the same was issued *ex parte*.
2. Because the allowance of said writ in this action would be inequitable and unjust.
3. Because the grounds for quashing the taxes in the petition

mentioned are mere irregularities, and the right of the defendant to levy and assess the taxes therein set forth is not questioned.

4. That the allowance of said writ will cause serious detriment to the public interest and embarrassment to defendant in the collection of its taxes.

6. And for other reasons appearing upon the face of said petition and also set forth in the affidavit hereto annexed and made part hereof.

A. B. DUVALL,
C. A. BRANDENBURG,
Attorneys for Defendant.

12 WASHINGTON, D. C., *February* 16, 1900.

Messrs. Padgett & Forrest, attorneys for petitioner.

GENTLEMEN: Please take notice that we will call the foregoing petition to the attention of Chief Justice Bingham, holding circuit court No. 1, on Friday, March 2d, 1900, at the opening of court on said day or as soon thereafter as counsel can be heard.

Herewith we hand you copy of said motion and the affidavit in support thereof, and notice of the hearing of the same.

13 DISTRICT OF COLUMBIA, 88:

John B. Wight, John W. Ross, and Lansing H. Beach upon oath say they are Commissioners of the District of Columbia; that as such Commissioners they have official knowledge of the assessment and taxation of land as well in the county as in the city of Washington, District of Columbia, and of the records made of such assessment and taxation; that upon their official knowledge they say that the particular tract of land described in the petition in the foregoing action, the same being unsubdivided property, was for the year 1890 and for some time prior thereto assessed in the name of George H. Baldwin, who at the time, as affiants are informed and verily believe, was the owner thereof; that the general tax levied against said property for the year ending June 30, 1889, was paid by said George H. Baldwin; that the levy of general taxes for subsequent years was made and recorded in the same manner, except as to the name of the owner thereof, as for the year 1889, for which year the tax was paid, as aforesaid; that the assessment records and the tax ledgers for the year ending June 30, 1890, in the custody and control of affiants, show that the land referred to and described in the petition herein was assessed in the name of George H. Baldwin, then owner thereof; that said records, forming the official records of assessment and taxation for said year, in addition to showing the name of the owner thereof and in whose name the same was assessed, for a description of the property assessed refers to plat 26, and describes the same as having an area of 88.25 acres, being

the same area as set forth in the petition herein, and as fronting upon Hamilton road. Affiants, upon their official knowledge, say that pursuant to the provisions of an act of Congress approved June 4, 1880, the then Commissioners of the District of Columbia caused a survey to be made of the land in the county by B. D. Carpenter, a surveyor; that the survey or map so made by said surveyor was divided for convenience into a number of plats, numbered consecutively from 1 to 30, and was by order of the then Commissioners adopted in the year 1881 as the official plats or map of the county for the purposes of assessment and taxation; that plat 26, referred to upon the records aforesaid of the assessment and taxation of the property described in the petition for the year ending June 30, 1890, is one of the plats of the survey made by said Carpenter and so as aforesaid adopted by said Commissioners; that upon said plat, forming one of the official records in the custody of affiants and part of the record of the assessment and taxation of said property, the land mentioned and described in the petition herein appears, and, as mentioned upon said assessment record, is shown by said plat to front upon Hamilton road, and that it has no other front, and that it contains the area of the tract described in said petition; that across the same is printed the name of George H. Baldwin, the owner thereof at the time of the making of said plat and the owner thereof at the time of the levy of the taxes mentioned in said petition for the year ending June 30, 1890. Affiants further upon their official knowledge say that the records for the years 1891 and 1892 are identically the same as for the year 1890, to which affiants have above referred; that for the year ending

June 30, 1893, said records, in addition to the facts aforesaid, show a transfer of said property to one John G. Slater, and give a reference to a transfer book, the same being a record of transfers of real estate in the District of Columbia and forming one of the official records in the tax office under the control and jurisdiction of affiants; that in said transfer book, to which reference is made on said tax records, a description of said property, as contained in said petition, is set forth *in extenso*, and a reference given to the record of said transfer in the office of the recorder of deeds for the District of Columbia; that the records for the year ending June 30, 1894, and for the year ending June 30, 1895, are identically the same as for the year ending June 30, 1893, and above referred to, except that during such years said property was assessed in the name of John G. Slater, to whom the same had been transferred; that upon the records of the taxes levied for the year ending June 30, 1896, in addition to the facts hereinbefore recited for the year 1890, there is a record of a transfer to one David M. Lea, followed by a reference to one of the transfer books above referred to, forming one of the official records in the custody of affiants, and said transfer book, at the page of said reference, contains a description of the property by metes and bounds, as set forth in the petition herein, and in addition thereto gives a reference to the record of the transfer of said property among the land records of the District of Columbia; that the records of the levy and

assessment of taxes against said property for the year ending June 30, 1897, in addition to the facts aforesaid, show a transfer from the said David M. Lea to one Collins Marshall, followed by a reference to the transfer books, hereinbefore mentioned, forming part of the official records in the custody of affiants; that said transfer books contain a detailed description of the property mentioned in the petition, and in addition thereto a reference to the record of the transfer of said property among the land records of the District of Columbia; that for the year ending June 30, 1898, in addition to the facts aforesaid, said records show a transfer from said Collins Marshall to Edwin Forrest, followed by a reference to the transfer books hereinbefore referred to, which said transfer books contain a full, detailed description of the property in said petition mentioned and a reference to the record of the transfer of said property to said Edwin Forrest among the land records of the District of Columbia; that for the year ending June 30, 1899, the records aforesaid are the same as for the preceding year, except they give the name of the owner of said property as Edwin Forrest, in whose name said property at the time of said assessment stood upon the records.

Affiants further upon official knowledge say that the figures mentioned in the petition herein, under the heading "assessed value per acre," refer to dollars, and were so understood by the petitioner, as affiants verily believe, and have been so understood at all times by all other tax-payers in the District of Columbia, and that neither the petitioner nor any one else has been mislead or injured thereby.

Affiants are informed and verily believe that the property in said petition described was transferred to said petitioner by the petitioner's attorney, Edwin Forrest, by deed dated January 18, 1900,

and recorded on the same day among the land records of the 17 District of Columbia in Liber 2450, at folio 401, and they

verily believe that the petitioner at the time of said transfer was fully informed of the assessments for general taxes aforesaid against said property, and the amounts thereof, as appears by reference to the certificate of taxes produced by him and annexed to his petition herein, bearing date prior to the transfer of said property to him.

Affiants further say upon their official knowledge that it is impracticable, with the funds provided by law for that purpose, to extend at length upon its records descriptions by metes and bounds of unsubdivided property in the county of Washington, District of Columbia; that the description of the property described in the petition herein, for the years therein mentioned, upon the assessment and tax records of the District of Columbia, as hereinbefore recited, was sufficiently definite and specific to prevent any one being mislead thereby, and the references upon such records to other records and plats in the custody of affiants and open by law to public inspection enabled the agents and employés of the District of Columbia and all other persons to ascertain the full, detailed description of said property with absolute certainty; that the records of all assessments of

unsubdivided property in the county are made in the same manner as of the property in the petition described, and upon their official knowledge affiants say the particular property described in the petition herein was in fact assessed for the several years therein mentioned for the amounts therein stated, and is the identical prop-

erty referred to in said records of assessments and the other

18 records hereinbefore referred to; that the taxes sought to be cancelled by this proceeding are general taxes, the collection of

which is absolutely essential for the ability of the District of Columbia to discharge its manifold municipal functions with punctuality, and that it is of the utmost importance, both to the municipal government of the District of Columbia and to the Federal Government, under the peculiar systems that prevails in the District of Columbia, that the mode adopted for the speedy collection of the taxes assessed should be delayed or interrupted by the interference of the courts as little as possible; that no question is made in said petition, nor can any be made, as affiant verily believes, as to the right of the authorities to levy the taxes in said petition mentioned, and the grounds alleged for quashing the same are purely technical and consist of alleged irregularities, none of which go to the validity of the taxes sought to be quashed or to the right of the authorities to levy the same; that if it is necessary for your petitioner to answer the writ issued in this cause, and upon the return of the facts hereinbefore stated the court should quash the assessments in the petition described, all other assessments in the county would be subject to the same procedure, and the delay in the proceedings of the officers upon whom the duty is devolved of collecting taxes incident to the answering of such writs and the loss of the taxes justly due may, in the opinion of your affiants, damage the operation of the government of the District of Columbia and thereby cause serious detriment to the

public. Affiants further say they are advised that the writ

19 of certiorari issued in this cause was issued upon an *ex parte* application, affiants having no opportunity to be heard in reference thereto; that they are further advised that said writ is not a

writ of right, but rests in the discretion of the court; that inasmuch as the allowance of the writ in this cause, if affiants are required to answer the same, and the allowance of similar writs in similar causes will produce delay and embarrassment in matters of public concern, they pray that the writ issued herein may be quashed and the prayer of the petition denied.

Affiants further upon oath say it is contrary to the purpose and wishes of Congress that any person should evade the payment of general or other taxes, as evidenced by its recent enactment requiring affiants to re-assess all taxes quashed for technical reasons or irregularities or grounds other than the right of the authorities to levy the tax quashed

JOHN B. WIGHT.

JOHN W. ROSS.

LANSING H. BEACH.

Subscribed and sworn to before me this 17th day of February,
1900.

WILLIAM TINDALL,
Notary Public.

Correct.

H. H. DARNEILLE,
Assessor, D. C.

20 Supreme Court of the District of Columbia.

FRIDAY, April 6, 1900.

Session resumed pursuant to adjournment, Chief Justice Bingham presiding.

* * * * * * * *
GUY E. PADGETT, Petitioner, } At Law. No. 43620.
v.
THE DISTRICT OF COLUMBIA, Defendant. }

Upon consideration of the motion of the respondent to quash the writ of certiorari herein, and the court being of opinion that in the exercise of its discretion the writ should not have been granted, it is by the court now here ordered that the writ of certiorari issued herein be, and the same is hereby, quashed, and the order granting the writ is hereby vacated and the prayer of the petitioner for the writ of certiorari is denied, and the petition be, and hereby is, dismissed at the costs of the petitioner.

The penalty of the bond on appeal is fixed at \$100.00.

21 *Appeal, &c.*

Filed April 16, 1900.

In the Supreme Court of the District of Columbia.

GUY E. PADGETT
vs.
THE DISTRICT OF COLUMBIA. } At Law. No. 43620.

And now comes the plaintiff and enters this his appeal to the Court of Appeals of the District of Columbia from the order made herein by the supreme court of the District of Columbia on the 6th day of April, 1900, quashing the writ of certiorari issued herein, vacating the order granting the same, denying the prayer of the petitioner for the writ, and dismissing said petition at petitioner's cost, and the clerk of supreme court D. C. is requested to issue a citation hereon.

PADGETT AND FORREST,
Attorneys for Plaintiff.

GUY E. PADGETT
vs.
 THE DISTRICT OF COLUMBIA. } At Law. No. 43620:

The President of the United States to The District of Columbia,
 Greeting:

You are hereby cited and admonished to be and appear at a Court of Appeals of the District of Columbia, upon the docketing the cause therein under and as directed by the rules of said court, pursuant to an appeal filed in the clerk's office, supreme court of the District of Columbia, on the 16th day of April, 1900, wherein Guy E. Padgett is appellant and you are appellee, to show cause, if any there be, why the judgment rendered against the said appellant should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Edward F. Bingham, chief justice of the supreme court of the District of Columbia, this 16th day of April, in the year of our Lord one thousand nine hundred (1900).

JOHN R. YOUNG, *Clerk.*

Service of the above citation accepted this 18th day of April, 1900.

C. A. BRANDENBURG,
Attorney for Appellee.

[Endorsed:] No. 43620. Law. Guy E. Padgett vs. The District of Columbia. Citation. Issued April 16th, 1900. Padgett & Forrest, attorneys for appellant.

April 20, 1900.—Appeal bond filed.

UNITED STATES OF AMERICA, }
District of Columbia, } ss:

I, John R. Young, clerk of the supreme court of the District of Columbia, hereby certify the foregoing pages, numbered from 1 to 23, inclusive, to be a true and correct transcript of the record, as prescribed by rule 5 of the Court of Appeals of the District of Columbia, in cause No. 43260, at law, wherein Guy E. Padgett is plaintiff and The District of Columbia is defendant, as the same remains upon the files and of record in said court.

Seal Supreme Court
of the District of
Columbia.

In testimony whereof I hereunto subscribe my name and affix the seal of said court, at the city of Washington, in said District, this 15th day of May, A. D. 1900.

JOHN R. YOUNG, *Clerk.*

Endorsed on cover: District of Columbia supreme court. No. 996. Guy E. Padgett, appellant, vs. The District of Columbia. Court of Appeals, District of Columbia. Filed May 29, 1900. Robert Willett, clerk.